

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1, 2 and 5-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0203783 to Wu et al. (hereinafter “Wu”) in view of U.S. Patent No. 6,081,900 to Subramaniam et al. (hereinafter “Subramaniam”). Applicant respectfully traverses this rejection for at least the following reasons.

Embodiments of the present invention relate to wireless connectivity arrangements in which applications running via, for example, Internet access are forced to an encrypting security service port. An access control point initiates authentication, authorization and accounting (AAA) for a terminal and forces applications to switch their traffic to an encrypting security service port. Thus, the AAA procedure and enforcement to switch to an encrypting security service port are effected by the same entity (i.e., the access control point) which also provides an Internet access gateway functionality. This enables a simple solution to encrypt all traffic of wireless local area networks which access the applications via the Internet without the need to implement new software and/or new hardware at the end user’s side. Moreover, it can be implemented that encryption is only forced for correctly authenticated end users. Accordingly, independent claim 1 recites “enforcing the application to switch its traffic to an encrypting security port *by the access control point.*” (emphasis added). Independent claims 7 and 10 each recite a similar feature.

Applicant submits that pending claims are patentable over Wu and Subramaniam. Specifically, the prior art references fail to teach or suggest, either individually or in combination, at least the above-noted feature of the pending claims. Further, the Examiner has failed to identify any clear suggestion or motivation (in any of the cited references) to combine the two references.

First, neither Wu nor Subramaniam teaches or suggests the above-noted feature of the pending claims. As acknowledged by the Examiner, Wu “fails to disclose enforcing the applications to switch their traffic to an encrypting security service port by the access control

point.” Office Action dated July 9, 2007, Page 5. The Office Action relies on Subramaniam as disclosing this feature. Applicant respectfully disagrees with this interpretation of the disclosure of Subramaniam.

Subramaniam discloses the use of a server to redirect an access request to a border server. However, the redirection server of Subramaniam is not an access control point, as recited in the pending claims. In this regard, an access control point, as described in the specification of the present application, controls access to a network and initiates authentication, authorization and accounting for a terminal. There is no disclosure in Subramaniam of either the redirecting server or any other component as an access control point. Subramaniam merely discloses the redirection of access requests to force encryption of traffic to some server, which server is not disclosed as providing access to a network as an access control point. Thus, Subramaniam fails to teach or suggest “enforcing the application to switch its traffic to an encrypting security port *by the access control point*,” as recited in the pending claims.

In order to establish a *prima facie* case of obviousness, “... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See M.P.E.P. § 2142, ¶1 (emphasis added). Since Wu and Subramaniam fail to teach or suggest at least the above-noted feature of the pending claims, the Office Action fails to establish a *prima facie* case of obviousness.

Second, Applicant submits that the Examiner has failed to identify any clear suggestion or motivation for combining the teachings of Wu and Subramaniam. As noted recently by the U.S. Supreme Court, when looking at the teachings of multiple references, it is to be determined:

... whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.

*KSR Int’l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007).

In the present case, the Examiner identifies no clear suggestion or motivation (in either Wu or Subramaniam) to combine the two references to achieve the claimed invention. Specifically, the Examiner fails to provide any explicit analysis to support the “apparent reason to combine” the references. Rather, the Examiner merely makes the unsupported assertion that it “would have been obvious to one of the ordinary skill in the art ... to combine the teaching of Wu and teaching of Subramaniam ....” Applicant respectfully submits that the Examiner’s assertion is without merit.

It is clearly only with improper hindsight, and only with benefit of Applicant’s disclosure, that there is any motivation to undertake the required modification of each of the prior art references to arrive at the present invention. Absent Appellant’s disclosure, there is no motivation to combine the asserted references, and even if there was such motivation, there is simply no guidance as to which features one should pick and choose from each prior art reference in order to arrive at the present invention. The cited disclosures are sufficiently disparate to require more than ordinary skill to combine without the benefit of hindsight.

Thus, claims 1, 7 and 10 are patentable. Claims 2, 5 and 6 depend directly from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claim 8 and 9 depend directly from allowable claim 7, and claims 11 and 12 depend directly from allowable claim 10. Therefore, claims 8, 9, 11 and 12 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated,

otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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